Crl.A. 252/2002

BEFORE

HON'BLE MR JUSTICE P.G.AGARWAL

Heard Mr.Z.Kamar, learned counsel for the appellant and Mr. P.C.Gayan, learned P.P. Assam.

In Sessions Case No. 114/2002 the accused appellant Parimal Barman was tried by the learned Sessions Judge, Barpeta and consequently convicted him for commission of offence under Section 366(A) and sentenced to undergo imprisonment for seven years and to pay fine of Rs.3000/-, in default in payment of fine, to undergo further imprisonment for six months. The appellant has also been convicted under Section 376 IPC and sentenced to undergo rigorous imprisonment for ten years and to pay fine of Rs.5000/-, in default in payment of fine, to undergo further imprisonment for six months. Both the sentences were directed to run concurrently.

Prosecution case, in brief, is that on 29.03.2001 the accused eloped with the victim PW-2 Smti Sadhana Barman and thereafter took her from place to place and during the period committed rape on her. She was kept for more than a month and subsequently she was recovered from the custody of the accused.

During trial, the prosecution examined as many as eight witnesses and defence examined one witness.

In this case, the defence raised the plea of juvenile justice. It was pleaded